

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Children and Families Committee

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BILL: CS/SB 2726

INTRODUCER: Children and Families Committee and Senator Rich

SUBJECT: Unified Family Court Program

DATE: April 25, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Chinn</u>	<u>Maclure</u>	<u>JU</u>	<b>Favorable</b>
2.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	<b>Fav/CS</b>
3.	_____	_____	<u>JA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The bill expresses the legislative intent regarding the implementation of a unified family court program in the circuit courts. The intent expressed is:

- To provide all children and families with a fully integrated, comprehensive approach to handling all cases that involve children and families and a resolution of family disputes in a fair, timely, efficient, and cost-effective manner.
- That courts embrace methods of resolving disputes that do not cause additional emotional harm to the children and families who are required to interact with the judicial system.
- To support the development of a unified family court.
- To support the state courts system's efforts to improve the resolution of disputes involving children and families through a fully integrated, comprehensive approach that includes coordinated case management, the concept of "one family, one judge," collaboration with the community for referral to needed services, and methods of alternative dispute resolution.
- That the legal system should focus on the needs of children who are involved in the litigation, refer families to resources that will make families' relationships stronger, coordinate families' cases to provide consistent results, and strive to leave families in better condition than when the families entered the system.

This bill substantially amends the following sections of the Florida Statutes: 39.001, 61.001, 63.022, 68.07, 741.2902, 984.01, and 985.02, F.S. It also creates ss. 88.1041, 742.016, 743.001, and 1003.20, F.S.

## II. Present Situation:

Statutory authority relating to children and families typically evolves in a piecemeal fashion. Presently, no single or uniform system of judicial case management exists in the state. This is so due both to the organizational framework of the court divisions and to laws resulting in fragmented judicial resolution of narrow legal issues. Many family law cases, however, involve the same children or families with prior, concurrent, or subsequent judicial involvement in other related family law cases such as delinquency and dependency. Moreover, many of these cases involve complex family dynamics and social, economic, and psychological factors that create or aggravate legal problems in family law cases. When a court is unaware of other cases involving the same child or family, or is prohibited from considering otherwise admissible information in related court proceedings, comprehensive resolution within the existing structure of the various court divisions is impeded. Frequently duplicate orders are entered; the child or family will require future judicial intervention; or the family may have to make multiple court appearances.

These family law cases place significant demands on the judicial system.<sup>1</sup> More than 15 years ago, the Legislature initiated its own family court reform to address the impact of these cases on the judicial system. A legislatively created Commission on Family Courts was directed to make recommendations, including the implementation of a family division in each judicial circuit.<sup>2</sup> In subsequent years, commission recommendations consistently included the development of a judicial process that coordinated the court's equitable and comprehensive consideration of all matters affecting a child and family, regardless of the child's or family's point of entry into the judicial system. In 2001, the Senate directed a joint project to be conducted by the Committee on Children and Families and the Committee on Judiciary for a review of the family court divisions and the unified family court model.<sup>3</sup> A key recommendation of the interim project focused on identifying specific statutory changes that would substantially improve the courts' current decision-making abilities in tailoring a cohesive resolution to legal matters arising in multiple concurrent or subsequent cases involving the same child or family.<sup>4</sup>

At the same time the Legislature has been putting forth initiatives to reform the family court system, the Florida Supreme Court created the Family Court Steering Committee in 1994 to,

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<sup>1</sup> Since 1990, the volume of family law cases has grown exponentially. According to the Office of State Courts Administrator, domestic relation court filings increased from 1986 to 2000 by almost 70 percent, while juvenile delinquency and dependency court filings increased by almost 60 percent. By 2000, these cases accounted for 44.4 percent of all cases heard in circuit courts. See also, *In Re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001). The Florida Supreme Court reports that as of 1998 and 1999, family law cases constituted the largest percentage of all circuit court filings – over 40 percent. The court also reported that for this same period, these cases overwhelmingly represented the largest percentage of circuit court cases that were reopened – almost 70 percent. *Id.* at 520.

<sup>2</sup> See s. 10, ch. 90-273, L.O.F.

<sup>3</sup> The Committee on Children and Families took primary oversight in matters relating to other services and systems for children and families. See Senate Interim Project Report 2002-121, *Review of Family Courts Division and the Model Family Court: Other Services and Systems for Children and Families*. The Committee on Judiciary took primary oversight in matters relating to court services and system. See Senate Interim Project Report 2002-141, *Review of Family Courts Division and the Model Family Court: Court Services and System*.

<sup>4</sup> Two other major interim projects evolved out of the recommendations: public records (accessibility, confidentiality, and privacy) and the representation of children. The public records matter became the subject of ch. 2002-302, L.O.F. (creating the Study Committee on Public Records). See the study committee's final report: *Examination of the Effects of Advanced Technologies on Privacy and Public Access to Court Records and Official Records*, Feb. 15, 2003. The representation of children was the subject of a separate Interim Project Report, 2002-140, *Legal Needs of Children*, and SB 686 (2002).

among other things, advise the court about the circuits' responses to families in litigation and make recommendations on the characteristics of a model family court.<sup>5</sup> Based upon these recommendations, the Supreme Court has endorsed the idea of a Unified Family Court that is “a fully integrated, comprehensive approach to handling all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost effective manner.”<sup>6</sup> The recommendations of the Supreme Court related to the operation of a unified family court system were also implemented by Legislature in 2005.<sup>7</sup>

The following are among the recommendations enacted by the Legislature:

- To allow the court system to create a unique identifier to identify all court cases related to the same family;
- To provide that specified orders entered in dependency court take precedence over court orders entered in other civil proceedings; and
- To provide that final orders and evidence admitted in dependency actions are admissible in evidence in subsequent civil proceedings under certain circumstances.

### III. Effect of Proposed Changes:

The bill provides additional purposes and legislative intent regarding the implementation of a unified family court program in the circuit courts. These additional purposes are added to the following chapters of the Florida Statutes: ch. 39, F.S., pertaining to proceedings relating to children; ch. 61, F.S., pertaining to dissolution of marriage, support, and custody; chapter 63, F.S., pertaining to adoption; section 68.07, F.S., pertaining to name change; chapter 88, F.S., pertaining to the Uniform Interstate Family Support Act, chapter 741, F.S., pertaining to marriage and domestic violence; chapter 742, F.S., pertaining to the determination of parentage; chapter 743, F.S., pertaining to the disability of nonage of minor removed; chapter 985, F.S., pertaining to the juvenile justice system; and part II of chapter 1003, F.S., pertaining to school attendance.

The bill expresses the Legislative intent regarding the implementation of a unified family court program in the circuit courts. The intent expressed is:

- To provide all children and families with a fully integrated, comprehensive approach to handling all cases that involve children and families and a resolution of family disputes in a fair, timely, efficient, and cost-effective manner.
- That courts embrace methods of resolving disputes that do not cause additional emotional harm to the children and families who are required to interact with the judicial system.
- To support the development of a unified family court.
- To support the state courts system's efforts to improve the resolution of disputes involving children and families through a fully integrated, comprehensive approach that includes coordinated case management, the concept of “one family, one judge,”

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<sup>5</sup> See *In Re Report of the Commission on Family Courts*, 633 So. 2d 14 (Fla. 1994).

<sup>6</sup> *In Re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001) (endorsing the recommendations of the Family Court Steering Committee); also see, Florida State Courts, Court Programs and Initiatives, Office of Court Improvement, *Unified Family Court*, available at [http://www.flcourts.org/gen\\_public/family/familycourts.shtml](http://www.flcourts.org/gen_public/family/familycourts.shtml).

<sup>7</sup> Chapter 2005-239, L.O.F.

- collaboration with the community for referral to needed services, and methods of alternative dispute resolution.
- That the legal system should focus on the needs of children who are involved in the litigation, refer families to resources that will make families' relationships stronger, coordinate families' cases to provide consistent results, and strive to leave families in better condition than when the families entered the system.

The bill provides an effective date of July 1, 2006.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the unified family court program, multiple cases involving the same family are coordinated. To the extent that private parties would not be required to attend multiple, duplicative hearings on the same issues in different divisions of the court, they will not be required to pay attorney's fees for as many hearings. The exact amount of the savings that may be realized by these parties is difficult to estimate.

C. Government Sector Impact:

A unified family court where all matters pertaining to children and families are heard by the same judge would avoid duplicated efforts within the same circuit and provide for judicial efficiency because the one judge would be familiar with all the issues relating to the children and family.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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